

020732-97.668 (7493)

**Section II. (REMARKS)****Restriction/Election**

In the August 30, 2006 Office Action, the Examiner imposed a restriction requirement against claims 1, 2, 4-31 and 33-59, and required that an election be made between:

Group I: claims 1-23, 53-57 and 59 as being drawn to a removing (stripping) composition, classified in class 430, subclass 331; and

Group II: claims 24-31, 33-52 and 58 as being drawn to a removing (stripping) method, classified in class 134, subclass 1.3.

**Applicants hereby elect, with traverse, Group I claims 1-23, 53-57 and 59 drawn to a removing (stripping) composition.**

The traversal is based on the fact that the restriction is in error. The removal composition recited in claim 1 is the same as that recited in method of use claim 24, insofar as the specifically recited components of the removal composition are concerned, and thus claim 24 is not independent and distinct from claim 1, as is necessary under 35 U.S.C. §121 as a basis for proper restriction.

If the restriction requirement nonetheless is made final, applicants alternatively request rejoinder of Group II method claims under the provisions of MPEP §821.04 upon confirmation of allowable subject matter of the Group I composition claims.

Such rejoinder would be fully proper under these circumstances for the following reasons.

When an application as originally filed discloses a product and the process for making and/or using such product, and only the claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims directed to the process of making and/or using the patentable product for examination through the rejoinder procedure in accordance with MPEP §821.04, provided that the process claims depend from or include all the limitations of the allowed product claims.

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In the present application the elected Group I claims are directed to removal compositions, and non-elected Group II claims are directed to a method of removing photoresist and/or SARC material from a substrate having said material thereon using said removal compositions. Consistent with the provisions of the MPEP §821.04, when the Group I product claims are subsequently found allowable, the withdrawn Group II method claims should properly be rejoined for examination.

It is noted that the Examiner imposed a restriction requirement previously in the March 3, 2006 Office Action that applicants select between Group A (composition claims 1, 2, 4-7, 10, (14-21),<sup>1</sup> and 53-57), Group B (composition claims 8-9, and 11-23 (upon correction claims 8-9, 11-13, 22 and 23), and Group C (method claims 58-59). In response, applicants elected Group A, with traverse, and the Examiner deemed the restriction proper in the April 13, 2006 Office Action (see the April 13, 2006 Office Action, pages 3-4, paragraph IV).

Now, in the August 30, 2006 Office Action, the Examiner has recombined the composition claims that were previously separated by him, i.e., Groups A and B from the March 3, 2006 Office Action, with no indication why the previously separated claims have been recombined to form Group I as indicated hereinabove. Seemingly, the only reason that the present restriction requirement was generated is because applicants were inadvertently inconsistent about the use of the term "rejoinder" with regards to claim 58, which notably depends directly from composition claim 1. It remains unclear why the inconsistency should cause the Examiner to question which claims applicants wish to prosecute, especially knowing that composition claims have been examined for 18 months now. The generation of the present restriction requirement only postpones the conclusion of prosecution, to the applicants' detriment.

Given the Examiner's propensity at generating restriction requirements, even when it is unclear why a restriction requirement is being required (as is presently the case), applicants are understandably concerned that the election of every claim of Group I (i.e., composition claims 1-23, 53-57 and 59 as indicated by the Examiner) will result in yet another restriction requirement similar to that of March 3, 2006.

Applicants thereby have chosen to be consistent with the election made in response to the March 3, 2006 Restriction requirement, whereby claims 1, 2, 4-7, 10, 14-21, 53-57 and 59 are hereby

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elected, and species G should remain the Group I species of election on record. Again, consistent with the Examiner's April 13, 2006 finalization of the restriction requirement dated March 3, 2006, claims 8-9, 11-13 and 22-23 should remain subject to restriction and/or election even though they are members of elected Group I as defined herein.

As indicated, applicants respectfully remind the Examiner that rejoinder was previously requested and is maintained herein. The method claims consistent with elected composition claims 1, 2, 4-7, 10, 14-21, 53-57 and 59 are claims 24-31, 33-36, 39, 43-50, and 58. Accordingly, upon allowance of composition claims 1, 2, 4-7, 10, 14-21, 53-57 and 59, and consistent with previous requests, applicants request rejoinder of method claims 24-31, 33-36, 39, 43-50, and 58.

If in fact the Examiner has reexamined his position of the March 3, 2006 restriction requirement and recognizes that Group A and Group B are, and should be, included in the same group, then applicants wish to prosecute the claims of Group I and all method claims of Group II to be rejoined when the Group I claims are allowed.

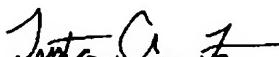
### Conclusion

If any additional issues remain, the Examiner is requested to contact the undersigned attorney at (919) 286-8090 to discuss same. Authorization is hereby given to charge any deficiency in applicable fees for this response to Deposit Account Number 13-4365 of Moore & Van Allen PLLC.

Respectfully submitted,

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<sup>1</sup> as acknowledged in the Office action dated April 13, 2006, page 2, paragraph I.